

E-Filed 1/14/09

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DOLORES MANDRIGUES, JUANITA JONES,
AL F. MINYEN, WILMA R. MINYEN, MARK
CLAUSON, and CHRISTINA CLAUSON,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

WORLD SAVINGS, INC., WORLD SAVINGS
BANK FSB, and WACHOVIA MORTGAGE
CORPORATION,

Defendants.

Case Number C 07-4497 JF (RS)

**ORDER¹ LIMITING SCOPE OF
ORAL ARGUMENT ON PENDING
MOTIONS**

Currently pending before this Court are Plaintiffs' motions for class certification and for a preliminary injunction. On November 21, 2008, Defendants filed a motion for administrative relief requesting that the Court vacate the hearing on Plaintiffs' motions and issue a stay on the ground that this action is one of four currently the subject of a motion to transfer pending before

¹ This disposition is not designated for publication in the official reports.

1 the Joint Panel on Multidistrict Litigation (“JPML”). In applying the factors governing the
2 issuance of stays, the Court observed that “much as ‘[a] preliminary injunction is not a
3 preliminary adjudication on the merits, but a device for preserving the status quo and preventing
4 irreparable loss of rights before judgment,’ the present inquiry concerns only whether Plaintiffs
5 are likely enough to succeed in obtaining preliminary injunctive relief that the Court should
6 preserve their right to proceed without further delay, notwithstanding the countervailing interest
7 of judicial economy discussed above.” Order Denying Request for Administrative Relief, at
8 4:18-24 (quoting *Textile Unlimited, Inc. v. ABMH & Co., Inc.*, 240 F.3d 781, 786 (9th Cir.
9 2001)).

10 The Court’s assessment of the likelihood that Plaintiffs might succeed in obtaining a
11 preliminary injunction was limited to a review of Plaintiffs’ moving papers and less than one
12 page of cursory opposing argument contained in Defendants’ motion for administrative relief.
13 Noting the somewhat generalized nature of Plaintiffs’ evidence of imminent, irreparable harm,
14 the Court also considered (1) the serious and irreparable quality of the alleged harm, (2)
15 Defendants’ limited and unpersuasive attempt to undermine Plaintiffs’ evidence based solely on
16 the relative magnitude of the alleged harm, and (3) the large number of recent decisions
17 authorizing TILA claims nearly identical to those advanced by Plaintiffs, and based on very
18 similar loan documents. In light of the foregoing, the Court concluded that considerations of
19 judicial economy did not justify a potentially lengthy postponement of Plaintiffs’ efforts to
20 obtain relief.

21 However, having now had the benefit of full briefing, the Court is inclined to deny
22 Plaintiffs’ application for a preliminary injunction on the ground that Plaintiffs have failed to
23 provide *concrete* evidence of imminent, irreparable harm caused by Defendants’ alleged
24 wrongdoing, either with respect to the named individuals or the putative class. It follows from
25 this conclusion that the possibility of prejudice to Plaintiffs no longer offsets the strong
26 considerations of judicial economy outlined in the Court’s previous order, and the Court
27 therefore is inclined to stay the instant action pending a decision from the JPML. In light of the
28 foregoing, the Court hereby advises the parties that oral argument on January 16, 2009 will be

1 limited to the merits of Plaintiffs' motion for a preliminary injunction.

2 **IT IS SO ORDERED**

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4 DATED: 1/14/09

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6 
JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

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